



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SA/SDD/AK

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Brooklyn, New York 11201

July 2, 2011

BY ECF, HAND AND EMAIL

The Honorable John Gleeson
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Betim Kaziu,
Criminal No. 09-660 (S-1)(JG)

Dear Judge Gleeson:

The government submits this letter to briefly address two issues related to the anticipated Rule 15 testimony in this case. As the Court is aware, the government does not seek to offer the testimony of Sujehb Mazllami in its case-in-chief. In light of the anticipated defense case, however, the government advises the Court that it now seeks to admit the testimony of Mazllami in rebuttal, if the defendant does not offer the testimony in connection with the videos it seeks to introduce in its case. Given that defendant's anticipated defense has changed, the government also seeks to amend its offer of Mazllami's testimony, pursuant to Rule 15. Fed. R. Crim. P. 15(f) ("A party may use all or part of a deposition as provided by the Federal Rules of Evidence.") The government has attached a revised transcript of the testimony and noted objections in red. Additionally, the government renews its objection to the offer by the defendant of a exhibit marked BK-5. Upon review of defendant's exhibit BK-5 that was provided by defense counsel yesterday afternoon, the government submits that the video contained therein - in which the defendant briefly acts as if he is providing a weather forecast - is not relevant under Fed. R. Evid. 401 and, like the "Mirrors" video of the defendant that was

discussed in Court on Friday, appears to be improper "character evidence" offered in violation of Fed. R. Evid. 405.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /S/
Shreve Ariail
Assistant U.S. Attorney

cc: Clerk of Court (by ECF w/o attachments)
David Stern, Esq. (By ECF and EMAIL)
Henry Steinglass, Esq. (By ECF and EMAIL)
Josh Dratel, Esq. (By ECF and EMAIL)